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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 KEVIN ALMY,)
11 Plaintiff,) 2:12-cv-00129-JCM-VCF
12 vs.)
13 D. DAVIS, *et al.*,) **ORDER**
14 Defendants.)
15 _____/

16 This is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner.
17 Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted an
18 application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information
19 provided, the Court finds that plaintiff is unable to prepay the full filing fee in this matter.
20 Therefore,

21 **IT IS ORDERED** as follows:

- 22 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**;
23 however, plaintiff must pay an initial partial filing fee of **\$33.90** toward the full filing
24 fee of three hundred fifty dollars (\$350.00). Plaintiff shall have thirty (30) days from
25 the date this order is entered in which to have the designated fee sent to the Clerk of
26 the Court. Failure to do so may result in dismissal of this action. In the event that

1 this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §
2 1915(b)(2).

3 2. The movant herein is permitted to maintain this action to conclusion without the
4 necessity of prepayment of any additional fees or costs or the giving of security
5 therefor. This order granting leave to proceed *in forma pauperis* shall not extend to
6 the issuance of subpoenas at government expense.

7 3. The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is
8 ordered to make the necessary arrangements to have one copy of this order attached to
9 the check in the amount of the designated fee, by sending a copy of the order with the
10 “brass slip” for the amount of the fee to Inmate Services for the Nevada Department
11 of Corrections.

12 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay
13 to the Clerk of the United States District Court, District of Nevada, 20% of the
14 preceding month’s deposits to plaintiff’s account (**Kevin Almy, #1009179**), in the
15 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid
16 for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance
17 Division of the Clerk’s Office. The Clerk shall also **SEND** a copy of this order to the
18 attention of the Chief of Inmate Services for the Nevada Department of Corrections,
19 P.O. Box 7011, Carson City, NV 89702.

20 5. The Clerk shall electronically **SERVE** a copy of this order, a copy of the court’s
21 Screening Order (ECF No. 9) and a copy of plaintiff’s amended complaint (ECF No.
22 6) on the Office of the Attorney General of the State of Nevada, attention Pamela
23 Sharp.

24 6. The Attorney General’s Office shall advise the court within **twenty-one (21) days** of
25 the date of the entry of this order whether it can accept service of process for the
26 named defendants. As to any of the named defendants for which the Attorney

1 General's Office cannot accept service, the Office shall file, *under seal*, the last
2 known address(es) of those defendant(s).

- 3 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
4 motion identifying the unserved defendant(s), requesting issuance of a summons, and
5 specifying a full name and address for said defendant(s).
- 6 8. If the Attorney General accepts service of process for any named defendant(s), such
7 defendant(s) shall file and serve an answer or other response to the amended
8 complaint within **sixty (60) days** from the date of this order.
- 9 9. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
10 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
11 document submitted for consideration by the court. Plaintiff shall include with the
12 original paper submitted for filing a certificate stating the date that a true and correct
13 copy of the document was mailed to the defendants or counsel for the defendants. If
14 counsel has entered a notice of appearance, the plaintiff shall direct service to the
15 individual attorney named in the notice of appearance, at the address stated therein.
16 The court may disregard any paper received by a district judge or magistrate judge
17 which has not been filed with the Clerk, and any paper received by a district judge,
18 magistrate judge, or the Clerk which fails to include a certificate showing proper
19 service.

20 **IT IS SO ORDERED.**

21 DATED: August 13, 2012.

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24 UNITED STATES MAGISTRATE JUDGE
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